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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|----------------------|------------------|
| 09/965,854               | 10/01/2001  | Kurt A. Zarefoss     | 125090.00014         | 4038             |
| 26707                    | 7590        | 08/07/2007           | EXAMINER             |                  |
| QUARLES & BRADY LLP      |             |                      | DESHHPANDE, KALYAN K |                  |
| RENAISSANCE ONE          |             |                      | ART UNIT             | PAPER NUMBER     |
| TWO NORTH CENTRAL AVENUE |             |                      | 3623                 |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/965,854             | ZAREFOSS ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Kalyan K. Deshpande    | 3623                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 April 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 81-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 81-114 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Introduction***

1. The following is a non-final office action in response to the communications received on April 30, 2007. Claims 1 and 81-114 are now pending in this application.

### ***Supplemental Amendment***

2. The supplemental reply filed on May 24, 2007 was not entered because supplemental replies are not entered as a matter of right except as provided in 37 CFR 1.111(a)(2)(ii). see MPEP 714.03. 37 CFR 1.111(a)(2)(ii) clearly states that supplemental amendments may be entered if the supplemental reply is clearly limited to: (A) Cancellation of a claim(s); (B) Adoption of the examiner suggestion(s); (C) Placement of the application in condition for allowance; (D) Reply to an Office requirement made after the first reply was filed; (E) Correction of informalities (e.g., typographical errors); or (F) Simplification of issues for appeal. The supplemental amendment submitted by Applicants fails to clearly meet any of these categories as reviewed by the Examiner and Applicants have failed to provide a basis for which the supplemental amendment should be entered.

### ***Response to Amendments***

3. Applicants' amendments to claims 1, 92, 105, and 109 are acknowledged.

### ***Response to Arguments***

4. Applicants' arguments filed on April 30, 2007 have been fully considered but are not found persuasive. Applicants argue Huang fails to teach the present invention per

the amended independent claims. Responses to the amended limitations are addressed in the rejection below.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 81-82, 84-87, 90-91, 92-95, 97-100, 103-112, and 114 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang et al (U.S. Patent No. 5953707).

As per claim 1, Huang teaches:

A computer implemented method for sharing and manipulating supply chain planning data, comprising the steps of:

Creating a central database for storing and sharing planning data (see column 4 lines 64-67; where a database is used to store and share production planning data.);

Providing an attribute model made selectively available to a plurality of users in the supply chain, the attribute module having access to the central database for assigning user defined attributes to the planning data (see column 6 lines 57-67; where data elements for a supply chain data are assigned attributes.);

Creating derived planning data from an equation using selected planning data stored in the database (see column 41 lines 20-35 and column 42 lines 35-50; where mean demand planning is derived from an equation.);

Providing a hierarchy module made selectively available to the plurality of users in the supply chain, the hierarchy module having access to the central database for creating a hierarchy based on the user-defined attributes (see column 21 lines 30-67 and column 22 lines 1-27; where attributes are arranged such that top-down and bottom-up forecasts can be drawn. The ability to arrange data elements in a top-down forecast is the same as having a hierarchical relationship to other data elements.);

Providing a manipulation module made selectively available to the plurality of users in the supply chain, the manipulation module having access to the central database for manipulating the supply chain data by aggregating the planning data in accordance with the hierarchy to produce aggregated planning data (see column 21 lines 30-67 and column 22 lines 1-27; where data can be manipulated such that the data is presented in the most desirable fashion for the user, such as top-down or bottom-up forecasts.); and

Providing a calendar module made selectively available to the plurality of users in the supply chain, the calendar module having access to the central database for organizing and incrementing the planning data according to a customized calendar (see figure 58; where a calendar is provided to users. The fields of the calendar are populated by data in the database.).

As per claim 81, Huang teaches:

The method of claim 1, wherein the planning data includes data selected from the group consisting of demand forecast, supply forecast, promotional forecast, and

purchasing order information (see column 6 lines 60-67, column 7 lines 1-8, column 9 lines 65-67, column 10 lines 40-67, column 11 lines 1-5, column 19 lines 63-67, and column 20 lines 1-49; where planning data includes demand forecasts, supply forecasts, promotional forecasts, and purchasing order information.).

As per claim 82, Huang teaches:

The method of claim 1, wherein the planning data is selectively made available through a filter that queries for the planning data by seeking only data having the user-defined attribute (see column 21 lines 30-67 and column 22 lines 1-27; where data can be manipulated such that the data is presented in the most desirable fashion for the user, such as top-down or bottom-up forecasts. The top-down forecasts filters and organizes information based on a specific demand attribute.).

As per claim 84, Huang teaches:

The method of claim 1, wherein the user- defined attribute is product size (see column 6 lines 57-67 and column 8 lines 56-67; where the specific dimensions of product size are defined for products.).

As per claim 85, Huang teaches:

The method of claim 1, wherein the attribute module further assigns location attributes and product attributes to the planning data (see column 6 lines 57-67, column 8 lines 57-67, and column 108 lines 49-60; where product attributes such as product dimensions, are assigned to the data. Product plant locations are also selected by the user.).

As per claim 86, Huang teaches:

The method of claim 1, wherein the planning data includes start date, duration, and quantity for each planning component (see column 9-10 tables 1-3; where planning data includes a time resolution, a time period, a create date, and a quantity value.).

As per claim 87, Huang teaches:

The method of claim 1, wherein the plurality of users are assigned roles to determine status as read-only or authorized for editing the planning data (see column 90 lines 53-67; where the user privileges are defined. The lowest access level is a read-only access level.).

As per claim 90, Huang teaches:

The method of claim 1, wherein the step of providing a hierarchy module involves ranking and placing one of the attributes into a hierarchical order (see column 21 lines 30-67 and column 22 lines 1-27; where data can be manipulated such that the data is presented in the most desirable fashion for the user, such as top-down or bottom-up forecasts. The top-down forecasts filters and organizes information based on a specific demand attribute.).

As per claim 91, Huang teaches:

The method of claim 1, wherein the plurality of users access the central database through a communication link to a computer network (see figures 45 and 46; where a plurality of client stations (users) are connected to the database through a communication linked computer network.).

Claims 92-95, 97-100, 103-112, and 114 recite a method and a product taught by Huang for “sharing supply chain planning data” (see abstract; where a supply chain planning system and method are disclosed.) and “a computer program product usable with a programmable computer processor having a computer readable program code embodied therein” (see column 4 lines 45-63 and column 5 lines 1-22; where a computer program is embodied and executed on a server.). Claims 92-95, 97-100, 103-112, and 114 further recite limitations already addressed by the rejections of claims 1, 81-82, 84-87, and 90-91; therefore the same rejections apply to these claims.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 83, 88-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (U.S. Patent No. 5953707).

As per claim 83, Huang teaches the ability to create groups of users where the groups of users have specific access levels and only pertinent data is customizable for each user group. Huang does not explicitly teach that the users are “selected from the group consisting of suppliers, assemblers, manufacturers, distributors, and trading partners”. An authorized user with the ability to create specific user groups can create groups for suppliers, assemblers, manufacturers, distributors, and trading partners.

Thus, having the functionality of the ability to create specific user groups is suggested as having the specific groups of suppliers, assemblers, manufacturers, distributors, and trading partners. The advantage of having the specific groups of suppliers, assemblers, manufacturers, distributors, and trading partners is that data can be presented to specific users based on that particular user's point of view. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Huang to define "the plurality of users are selected from the group consisting of suppliers, assemblers, manufacturers, distributors, and trading partners" in order to present data to a specific user from that specific user's point of view, which is a goal of Huang (see column 1 lines 61-65).

As per claim 88, Huang teaches the presentation of data to each user in a manner that is specific to that user's needs (see column 1 lines 61-65). Huang fails to explicitly teach "the hierarchical order of the attributes is unique to each user", however, the presentation of data specific to each user's need to see the data is suggested as "the hierarchical order of the attributes is unique to each user". The advantage of "the hierarchical order of the attributes is unique to each user" is that it facilitates a user's ability to analyze data. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Huang to include "the hierarchical order of the attributes is unique to each user" in order to facilitate a user's ability to analyze data, which is a goal of Huang (see column 1 lines 66-67 and column 2 lines 1-4).

As per claim 89, Huang teaches the supply chain frame manager can prevent data from being updated in the database when necessary (see column 92 lines 38-64).

Huang fails to explicitly teach a “freeze profile”, however, the supply chain frame manager of Huang provides the suggested functionality as a “freeze profile”. The advantage of a “freeze profile” having the functionality to prevent planning data from being edited during a specified time is that it maintains consistency across all data fields. It would have been obvious, at the time of the invention, to modify Huang to include a “freeze profile” as part of the supply chain frame manager in order to maintain consistency of data, which is a goal of Huang (see column 92 lines 38-64).

Claims 96, 101, 102, and 113 recite a method and a product taught by Huang for “sharing supply chain planning data” (see abstract; where a supply chain planning system and method are disclosed.) and “a computer program product usable with a programmable computer processor having a computer readable program code embodied therein” (see column 4 lines 45-63 and column 5 lines 1-22; where a computer program is embodied and executed on a server.). Claims 96, 101, 102, and 113 further recite limitations already addressed by the rejections of claims 83 and 88-89; therefore the same rejections apply to these claims.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KKD

  
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